



CITY OF DETROIT

Fifth Quarter

STATUS REPORT



To The

Independent Monitor

*FOR THE QUARTER ENDING
NOVEMBER 30, 2004*

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I.**EXECUTIVE SUMMARY****INTRODUCTION**

The City of Detroit (City), the Detroit Police Department (DPD) and the United States Department of Justice (DOJ) entered into two Consent Judgments on July 18, 2003, one dealing with *Use of Force, Arrest and Witness Detention* (UOF CJ) and a second regarding *Conditions of Confinement* (COC CJ). This progress report (entitled the *Fifth Quarter Status Report to the Independent Monitor*) presents the City's continued commitment to achieve compliance with the consent judgments, detailing the City's compliance efforts for the fifth quarter, which began September 1, 2004, and ended November 30, 2004.

MOTION TO EXTEND COC CJ

The COC CJ is a two-year agreement, requiring compliance within one (1) year and demonstrated substantial compliance for an additional year. Recognizing that the COC CJ provides for remarkable changes in infrastructure, and the costs associated with these changes are exorbitant, the City filed a motion to extend the agreement for two (2) years, to July 18, 2007.

As first reported in the Fourth Quarter Status Report, on July 18, 2004, the City of Detroit ("City") and the DPD filed a *Motion to Amend the Conditions of Confinement Consent Judgment*. The DOJ did not oppose the City's motion but filed a response. During an August 25, 2004 hearing, the Court ordered the City to file a supplemental brief to its motion on September 10, 2004, setting forth the COC CJ requirements that could be met on a 6, 12 or 18 month compliance schedule. The City filed a supplemental brief on September 10, 2004, and the DOJ filed a response on September 24, 2004.

Thereafter, by Order dated October 7, 2004, the Court acknowledged that the City's September 10th brief complied with the Court's August 25th Order. However, in order to enable the Court to resolve the City's Motion to Extend the COC CJ, the City was ordered to: (1) Offer a specific and detailed plan for achieving compliance with each paragraph of the COC CJ; and (2) Adequately explain why certain paragraphs of the COC CJ require different deadlines for compliance.

On October 29, 2004, the City filed a second supplemental brief augmenting its September 10th compliance schedule, as directed by the Court's October 7th Order. The City's October 29th supplemental brief noted that the COC CJ paragraphs such as C-14 (Life Safety Code requirements), and C-34 (Removal of Suicide Hazards) require the substantial expenditure of funds.

As part of its plan for compliance with regard to these paragraphs, the City informed the Court that it had conducted a cost study analysis on whether to build a new stand alone detention facility versus renovating its existing holding cell facilities. The plan also included the following:

DETROIT RESIDENTS PASS PROPOSAL S
To provide funds for a Central Detention Facility.

- *Recommendation by the Chief of Police to construct a new detention facility;*
- *Identification of a funding source;*
 - *Proposal S, which was placed on the November 2, 2004 ballot¹*
- *The anticipated date for acquiring architectural plans;*
- *Selection of contractors;*
- *Purchase of materials; and*
- *Start and completion of construction.*

DPD estimates that compliance with respect to the COC CJ requires substantial capital improvements. The City and the DPD have made a decision to construct a central detention facility, which will take approximately 24 months to complete.

The City's October 29th supplemental brief also identified specific steps for compliance regarding paragraphs that require the revision of DPD policies. The relevant steps for compliance included:

- *Drafting the revised policy by DPD's Planning and Accreditation [Technical assistance, if necessary, from the monitor or the DOJ];*
- *Review of draft policy at meeting of DPD's Subject Matter Experts (SMEs);*
- *Submission of policy approved by SMEs to DPD review process;*
- *Approval of policy by the Chief of Police;*
- *Approval of Board of Police Commissioners (BOPC) unless policy requires review and approval of DOJ;*
- *Forwarding the revised policy to DOJ for review and approval or to the monitor for review; and*
- *Distribution of policy.*

¹ Proposal S authorizes the issuance of bonds for the purpose of constructing, renovating and rehabilitating public safety projects and was passed by city of Detroit voters.

The City's supplemental brief advised the Court that all of the above steps of the City's plan for compliance regarding the COC policy paragraphs *had already been taken*, with the exception of the distribution of policy which is pending either the monitor or DOJ review. The supplemental brief also provided that the stated compliance period for these paragraphs did not take in to account the "turnaround time" for policy review and/or approval by the monitor or the DOJ where applicable.

The City's October 29th supplemental brief also noted the other COC CJ paragraphs that required non-capital expenditures such as C-33 (Suicide Gowns) and C- 51 (Hygiene Kits). The specific steps required for compliance with regard to these paragraphs included:

- *Identifying the products to be procured;*
- *Preparation of cost estimates;*
- *Identifying funding sources;*
- *Submission of RFPs;*
- *Evaluation of proposals;*
- *Selection of vendor; and*
- *Delivery of product by the vendor.*

The City's supplemental brief advised the Court that all of the above steps had *already been taken* with regard to the pertinent COC CJ paragraphs.

With the submission of the City's October 29th supplemental brief, the City is currently awaiting the Court's ruling on its Motion to Extend the Conditions of Confinement Consent Judgment. The City would like to express its appreciation to the monitor and the attorneys of the DOJ for their cooperation and assistance in this matter.

POLICIES REVISED

For the quarterly period ending November 30, 2004, the City and the DPD have made significant progress in the area of policy revision. As illustrated in Table A below, the City and DPD have revised a number of policies, required by the UOF CJ and the COC CJ. The DPD's Policy Review meetings² provide a streamlined, yet comprehensive policy review process. The results have been successful.

² Subject matter experts within DPD and a Senior Litigator from the Law Department convene for the Policy Review meetings.

(Table A)
POLICIES SUBMITTED DURING THE 5TH QUARTER

NAME OF POLICY	STATUS	STATUS DATE
Citizen Complaint Directive 102.6	Sent to DOJ	09-03-04
Detainee Personal Property Directive 305.3	Sent to DOJ	09-16-04
Infectious Disease Directive 403.2	Sent to DOJ	09-16-04
K-9 Directive 201.4	Sent to DOJ	10-06-04
Detainee Intake Assessment Directive 305.1	Sent to DOJ & Monitor	10-07-04
Detainee Health Care Directive 305.4	Sent to DOJ & Monitor	10-07-04
Chemical Spray Directive 304.3	Sent to DOJ & Monitor	10-07-04
Firearms Directive 304.1	Sent to DOJ & Monitor	10-07-04
Crime Scene Investigation Directive 203.1	Sent to DOJ & Monitor	10-07-04
Custodial Questioning Directive 203.9	Sent to DOJ	10-07-04
Use of Force Directive 304.2	Sent to DOJ	10-11-04
Use of Force Continuum (Training Bulletin 04-3)	Sent to DOJ	10-11-04
Positional Asphyxia (Training Bulletin 04-2)	Sent to DOJ	10-11-04
Holding Cell Area Directive 305.4	Sent to DOJ	10-11-04
Force Review Team (S.O.P.)	Sent to DOJ	10-11-04
PR-24 Intermediate Weapon (Training Bulletin 04-6)	Sent to DOJ	10-11-04
Search and Seizure Directive 202.2	Sent to DOJ	10-20-04
Detainee Transportation Directive 305.7	Sent to DOJ	10-25-04
Garrity Protocol (Training Bulletin 04-4)	Sent to DOJ	10-25-04
Detainee Suicide (Training Bulletin 04-5)	Sent to DOJ	10-25-04
Foot Pursuit Directive 303.4	Approved DOJ	11-09-04
External Complaint/Informational Brochure	Approved DOJ	11-09-04
Citizen Contact Form	Approved DOJ	11-09-04
Detainee Registration Directive 305.2	Sent to DOJ & Monitor	11-15-04
Emergency Preparedness Plans for all Precincts	Sent to DOJ & Monitor	11-17-04

During the Fifth Quarter, THREE significant items were approved:
FOOT PURSUIT POLICY
CITIZENS COMPLAINTS BROCHURE
CITIZEN CONTACT FORMS

During the Fifth Quarter, the City and the DPD made significant progress in satisfying the mandates of several paragraphs of both consent judgments. The Fifth Quarter review consists of a

total of 86 paragraphs, of which 54 pertain to the UOF CJ and 32 of the COC CJ. See Table B below.

(Table B)
PARAGRAPHS REVIEWED DURING THE 5TH QUARTER

USE OF FORCE	CONDITIONS OF CONFINEMENT
<i>U-34 through U-48</i>	C-14, through C-19
<i>U-58 and U-59</i>	C-23 through C-34
<i>U-61 through U-71</i>	C-49 through C-51
<i>U-78 through U-83</i>	C-60, C-61
<i>U-86 through U-88</i>	C-65 through C-72
<i>U-92 through U-97, U-99</i>	C-94
<i>U-106 through U-114, U-139</i>	

CRIB AUDIT TEAM

The CRIB Audit Team, headed by a professional civilian auditor, has conducted field work and prepared written audit reports for three (3) audits required by the UOF CJ and have provided technical assistance for six (6) audits required by the COC CJ. In October 2004, the DPD submitted the following three (3) audit reports to the Independent Monitor for review: Custodial Detention, Emergency Preparedness, and Food Service.

During this quarter, the CRIB Audit Team initiated the preliminary research and data collection for the Witness Questioning, Identification, and Documentation Audit. The budgeting and resource coordination for this audit will be based on project management concepts and tools. The project management methods are intended to provide assurance that the audit reports are completed in a timely manner.

PROJECT MANAGEMENT

The Project Management Office (PMO) conducts weekly Program Status Update meetings where the schedule, risks, and action items are reviewed and updated. The PMO has developed a Change Control Process and established a Change Control Board.

The PMO has developed the following deliverables: The Project Charter, Scope Statement, Communication Plan and Project Workbook. It has also developed a common-shared drive for storing all UOF and COC CJ information. These items will play a dominant role in driving the project to successful compliance.

Finally, in an effort to enhance the DPD's efforts at transparency, the PMO has conducted presentations to the Compliance Resource Group (CRG), the BOPC and the public regarding our Work Breakdown Structure, Network Diagram, Program Schedule and the tasks completed to date.

TRAINING

The DPD recognizes that training is a substantial component of the consent judgments. Significant curriculum development and training matrices, all consistent with DPD policy and the terms of the consent judgments, will be required.

The newly established Curriculum Research and Development component of the Training Division has developed in-service training, to begin January 2005.

The Training Division has scheduled the following training: Arrest Concepts, Fundamental for Street Patrol. This training, a four-hour block of instruction will begin January 24, 2005, and will be

taught in conjunction with the Firearms Training Marksmanship course. This training is scheduled to be completed by July 2005.

Precinct Detention Officer (PDO) Training will begin January 31, 2005. This training is a four-day, 32-hour block of instruction. The first 400 participants will be Precinct Detention Officers (PDOs), Precinct Desk supervisors and members of the Holding Cell Compliance Committee.

ADDITIONAL ACCOMPLISHMENTS

Achievements resulting from the concerted efforts of the DPD have been substantial. A sampling is listed below:

- The DPD has reached and maintained compliance with the requirement that a preprinted unique identifying number be assigned to each citizen complaint. This number is provided to each complainant.
- In order to guarantee a substantial level of safety for anyone detained in a DPD detention facility, a universal cell key system had been developed and implemented. One key now fits all DPD cells and no other keys can be shaped like or resemble cellblock keys. Easy identification, both by sight and by touch, can be assured, in emergency situations.
- The DPD has established and continues to enforce a No-Smoking policy in all DPD buildings containing holding cells.
- Digital cameras have been installed in the detainee processing area of each precinct containing holding cells as well as in the First Precinct. These cameras will tape the processing area on a continuous 24/7 basis and retained for 90 days. Although these videos will be retained for 90 days, they will be periodically and randomly reviewed for integrity, training and other supervisory oversight purposes, in line with a review protocol that is under development.
- Additional cameras have been installed in the holding cell areas.
- The DPD provides personal hygiene items to detainees upon their request. Such items include soap, toothbrushes, toothpaste, toilet paper, combs, deodorant and feminine products.
- The DPD continues to maintain all holding cells in a clean and sanitary fashion.
- The installation of pads for the automatic generators at all precincts containing holding cells has begun. An estimated completion date is December 31, 2004.

II.**CONDITIONS OF CONFINEMENT
STATUS REPORT****PARAGRAPH C-14****FIRE SAFETY POLICIES**

The Consent Judgment states: "The DPD shall ensure that all holding cells, and buildings that contain them, achieve and maintain compliance with the Life Safety Code within one year of the effective date of this Agreement. The City shall ensure that the Detroit Fire Marshall conducts regular and periodic inspections to evaluate whether the conditions in DPD holding cells, and buildings that contain them, are in compliance with the Life Safety Code."

STATUS: The DFD will continue to conduct inspections of all DPD holding cells and the buildings that contain them on an annual basis as required by the Life Safety Code. The next scheduled inspections will be February and March of 2005.

The provisions of this paragraph require substantial capital expenditures. The passing of Proposal S on November 2, 2004, which authorizes the issuance of bonds for the purpose of construction, renovating and rehabilitating public safety projects, will enable the DPD to meet the requirements of the Fire Safety Code.

PARAGRAPH C-15**FIRE SAFETY POLICIES**

The Consent Judgment states: "The DPD shall develop and implement comprehensive fire detection, suppression and evacuation program for the holding cells and buildings that contain them, in accordance with the requirements of the Life Safety Code and in consultation with the Detroit Fire Department."

STATUS: Due to the association between Paragraphs 15, 16, and 17, the status of these paragraphs is reported jointly under Paragraph 17.

PARAGRAPH C-16**FIRE SAFETY POLICIES**

The Consent Judgment states: "The fire safety program shall be developed in consultation with and receive written approval by the Detroit Fire Department. As part of developing the fire safety program, the Detroit Fire Department shall evaluate the need for and, if necessary, the DPD shall install: fire-rated separations, smoke detection systems, smoke control systems and/or

emergency exits for the holding cells and buildings that contain them. The fire safety program shall be submitted for review and approval of the DOJ within three months of the effective date of this Agreement.”

STATUS: Due to the association between Paragraphs 15, 16, and 17, the status of these paragraphs is reported jointly under Paragraph 17.

PARAGRAPH C-17

FIRE SAFETY POLICIES

The Consent Judgment states: “The DPD shall implement the fire safety program within one year of the effective date of this Agreement. Thereafter, the program shall be reviewed and approved in writing by the Detroit Fire Department at least every year, or prior to any revisions to the plan”

STATUS: The DPD in consultation with the DFD is currently developing a Fire Safety Plan. The plan is in the final stages of development.

PARAGRAPH C-18

FIRE SAFETY POLICIES

The Consent Judgment states: “The DPD shall take immediate interim fire safety measures in all buildings that contain holding cells. At a minimum, these interim measures shall:

- a. ensure that the activation of any individual smoke alarm sounds an alarm throughout the building;
- b. ensure that prisoners in holding cells have an adequate means of reporting emergency conditions to DPD staff immediately;
- c. ensure that automated back-up power systems exist for all buildings containing holding cells that are capable of providing immediate power for emergency lighting, exit signs, fire alarm and smoke detection systems in the event of an electrical power failure through batteries or an emergency generator; and
- d. reduce the likely spread of smoke and fire throughout the buildings by means of stairwells, garages, hazardous rooms and exposed pipes, such as ensuring that fire doors in stairwells are closed.”

STATUS: The individual precincts have developed emergency plans based upon templates provided by the DFD. The Emergency Preparedness Plans were emailed to the DOJ and the Monitor on November 15, 2004. Interim measures taken to ensure fire safety include the following:

(a) The DPD has received the DFD’s annual inspection of the fire alarm, smoke detection and sprinkler systems. Only two of the precincts have functioning individual smoke alarms that are audible throughout the building. On November 4, 2004, the HCCC along with the DFD began an initial bid process for

the repair and/or installation of a fire suppression system, including smoke alarms, in the DPD holding cells. To date, this process has been put on hold due to the problems of coordinating installation of smoke alarms, sprinkler systems, required lighting upgrades, mitigation of suicide hazards and maintaining air flow levels. This issue will be addressed in the next quarter by the HCCC, the DPD and the DFD.

(b) Reporting of emergency conditions is a component of both the Fire Safety Plan (currently under development) and the Emergency Preparedness Plans. Current DPD procedures require that at least one Prisoner Detention Officer/Detention Facility Officer is present in the cellblock at all times to ensure the detainees have a means to report emergency conditions. This provision is also incorporated on the Holding Cell Areas Policy, Directive 305.4. The Holding Cell Areas Policy was submitted to the DOJ and the Monitor on October 11, 2004. Prior to the promulgation of the policy, Teletype #03—03311, dated June 3, 2003, requires that a Prisoner Detention Officer/Detention Facility Officer (PDO/DFO) is present in the cellblock at all times to ensure a means of reporting emergency conditions in the cellblocks.

(c) A contract for the installation of an automated back-up power system was awarded to DTE Energy. The installation of the pads for the generators at the holding cell facilities has begun. The estimated date of completion is December 31, 2004.

(d) The DPD issued "Interim Fire Safety Measures" (Teletype #04—00227/8, dated January 15, 2004). The teletype mandates that all fire doors and precinct garage doors shall be closed and free of obstructions. All exposed pipes have been covered.

(e) All precinct holding facilities with the exception of the Second Precinct are equipped with a red button "Panic Alarm" system. Alternatives for an interim system for the Second Precinct are being examined by the DPD.

(f) In addition to the cameras installed in the detainee processing areas, cameras have been installed throughout other areas of each of the holding facilities. This provides the desk personnel with a visual of conditions in the prisoner processing and holding cell areas.

(g) An Executive Duty / Field Duty office has been established which reports directly to the Assistant Chief of the Operations portfolio. These members of executive rank (Commander / Inspector) are tasked to conduct daily inspections of precinct holding cells and the areas around them. One of their major concerns is the issue of Fire Safety. The EDO and FDO duty hours run from 5pm – 1am and 7pm to 3am, respectively, 7 days a week.

STATUS: The provisions of this paragraph are incorporated in the Holding Cell Areas Policy. The policy directs that, "All smoke alarms shall be visually inspected by precinct detention officers daily, and tested for operational readiness, monthly. Such tests shall be documented on the Fire Safety Log."

The HCCC conducted inspections regarding the self-contained breathing apparatuses (SCBA) and determined that no SCBA are stored or maintained in any DPD holding cell facility. The DPD is currently drafting the Fire Safety Plan in consultation with the DFD.

PARAGRAPH C-19

FIRE SAFETY POLICIES

The Consent Judgment states: "The DPD shall ensure that fire safety equipment is routinely tested, inspected and maintained, including the sprinkler systems, fire alarm systems, manual fire extinguishers, emergency lighting and exit signs, and self-contained breathing apparatuses."

STATUS: The provisions of this paragraph are incorporated in the Holding Cell Areas Policy. The policy directs that, "All smoke alarms shall be visually inspected by precinct detention officers daily, and tested for operational readiness, monthly. Such tests shall be documented on the Fire Safety Log."

The HCCC conducted inspections regarding the self-contained breathing apparatuses (SCBA) and determined that no SCBA are stored or maintained in any DPD holding cell facility. The DPD is currently drafting the Fire Safety Plan in consultation with the DFD with an anticipated completion date of December 31, 2004.

PARAGRAPH C-23

EMERGENCY PREPAREDNESS POLICIES

The Consent Judgment states: "The DPD shall ensure a reasonable level of safety and security of all staff and prisoners in the event of a fire or other emergency."

STATUS: The provisions of this paragraph are addressed in the Emergency Preparedness Plans. The DFD provided templates to each DPD precinct to assist in the preparation of the aforementioned plans. The plans were submitted to the DOJ and Monitor on November 15, 2004, for their review and comment.

PARAGRAPH C-24

EMERGENCY PREPAREDNESS POLICIES

The Consent Judgment states: "The DPD shall develop a comprehensive emergency preparedness program that is approved in writing by the Detroit Fire Department. This program shall be submitted for review and approval of the

DOJ within three months of the effective date of this Agreement. The DPD shall implement the program within three months of DOJ's review and approval. Thereafter, the program shall be reviewed and approved in writing by the Detroit Fire Department at least every year, or prior to any revisions to the plan. At a minimum, the emergency preparedness program shall:

- a. include an emergency response plan for each building that contains holding cells identifying staff responsibilities in the event of fire-related emergencies and other emergencies, including notification responsibilities, evacuation procedures and key control procedures (discussed below); and
- b. require performance and documentation of fire drills for all buildings containing holding cells on all shifts every six months (documentation shall include the start and stop times of each drill, the staff members who participated in the drill, a summary of the drill, and an evaluation of the success of the drill)."

STATUS: The Emergency Preparedness Plans have been completed and were submitted to the DOJ, on November 15, 2004, for their review and approval.

The DPD continues to conduct fire drills on a monthly basis. On October 26, 2004, the Monitor provided technical assistance pursuant to a review of a standardized fire drill documentation log. Based upon that technical assistance, revisions to the log are under development. In the interim, fire drills are being documented in the precinct's desk blotter.

PARAGRAPH C-25

EMERGENCY PREPAREDNESS POLICIES

The Consent Judgment states: "The DPD shall develop and implement key control policies and procedures that ensure that all staff are able to manually unlock all holding cell doors in the event of a fire or other emergency. At a minimum, the key control policies and procedures shall:

- a. provide for emergency identification of keys by touch; and
- b. require routine inventory, testing and maintenance of keys and locks."

STATUS: The provisions of this paragraph are incorporated in the Holding Cell Areas Policy. All cellblocks have been re-keyed. The re-keying of the cellblock locks enables the operation of the holding cells through the use of a single universal key. This key is unique and distinct and can be identified both by sight and by touch. Skilled tradesmen received training on July 20-22, 2004, on proper key and lock identification and maintenance. A log is currently under development that will track the location and condition of keys from shift to shift.

PARAGRAPH C-26**MEDICAL AND MENTAL HEALTH CARE POLICIES**

The Consent Judgment states: “The DPD shall ensure the appropriate identification of and response to prisoner’s medical and/or mental health conditions.”

STATUS: Due to the association between Paragraphs 26, 27, 28, and 29, the status of these paragraphs is reported jointly under Paragraph 29.

PARAGRAPH C-27**MEDICAL AND MENTAL HEALTH CARE POLICIES**

The Consent Judgment states: “The DPD shall develop a comprehensive medical and mental health screening program that shall be approved in writing by qualified medical and mental health professionals. This program shall be submitted for review and approval of the DOJ within three months of the effective date of this Agreement. The DPD shall implement the program within three months of the DOJ’s review and approval. Thereafter, the program shall be reviewed and approved in writing by qualified medical and mental health professionals at least every year and prior to any revisions to the program. At a minimum, the comprehensive medical and mental health screening program shall include prisoner screening procedures and medical protocols.”

STATUS: Due to the association between Paragraphs 26, 27, 28, and 29, the status of these paragraphs is reported jointly under Paragraph 29.

PARAGRAPH C-28**MEDICAL AND MENTAL HEALTH CARE POLICIES**

The Consent Judgment states: “The prisoner screening procedure, at a minimum, shall:

- a. enable the DPD to identify individuals with medical or mental health conditions, including infectious diseases, chronic conditions, disabilities, ambulatory impairments, mental health conditions, and drug/alcohol withdrawal;
- b. identify persons who are at risk of committing suicide, persons who have been on heightened observation for suicide risk at any time during a past incarceration and persons who have any medical contraindications for the use of chemical sprays.
- c. Require that the DPD follow a standard intake procedure for each individual entering DPD custody.
- d. Require that intake screening be conducted within two hours of intake and through a verbal exchange between the DPD and prisoners; and
- e. Incorporate all health information pertaining to a prisoner acquired by the arresting or transporting officers.”

STATUS: Due to the association between Paragraphs 26, 27, 28, and 29, the status of these paragraphs is reported jointly under Paragraph 29.

PARAGRAPH C-29

MEDICAL AND MENTAL HEALTH CARE POLICIES

The Consent Judgment states: “The medical protocols, at a minimum, shall:

- a. identify the specific actions the DPD shall take in response to the medical information acquired during prisoner screening or detention, including the need for emergency care, hospitalization, prescription medication and/or intensive monitoring; and
- b. require prior supervisory review and written approval, absent exigent circumstances, of all decisions made in response to acquired medical information.”

STATUS: The provisions of Paragraphs 26, 27, 28 and 29 are incorporated in the Detainee Suicide Prevention Training Directive 04-5 (submitted to DOJ on October 25, 2004); the Detainee Health Care Policy, Directive 305.5; and the Detainee Intake/Assessment Policy, Directive 305.1 (both directives were submitted to the DOJ on October 7, 2004, after receiving technical assistance). The DPD also received technical assistance from the Monitor on the High Risk/Suicidal Monitoring Log. Revisions are being made, in addition to developing guidelines.

The Detainee Health Care Policy contains specific actions to be taken in the event it is determined, during prisoner screening or detention, the need for emergency or other health care. It also requires supervisory review/approval prior to taking such actions, absent exigent circumstances.

PARAGRAPH C-30

MEDICAL AND MENTAL HEALTH CARE POLICIES

The Consent Judgment states: “The DPD shall develop and implement a policy regarding infectious disease control in consultation with medical health professionals. The policy shall be reviewed and approved in writing by qualified medical health professionals at least every year after implementation and prior to any revisions to the policy. At a minimum, the policy shall;

- a. establish appropriate housing for prisoners believed to have infectious diseases; and
- b. mandate measures the DPD shall take to prevent the spread of infectious diseases, including proper handling and disposal of biohazardous material.”

STATUS: The provisions of this paragraph are incorporated in the Infectious Disease Control Policy, Directive 403.2. On September 16, 2004, the directive

was mailed to the Monitor and the DOJ. Currently, all precincts have the appropriate containers for bio-hazardous material.

PARAGRAPH C-31**MEDICAL AND MENTAL HEALTH CARE POLICIES**

The Consent Judgment states: “The DPD develop and implement a protocol for updating and exchanging prisoner health information. At a minimum, this protocol shall:

- a. require that prisoner health information is recorded at intake and is thereafter immediately and readily available to all relevant medical and transporting personnel in a manner consistent with the relevant federal and state confidentiality statutes;
- b. require that prisoner health information is continually updated to incorporate any additional relevant information acquired during his/her detention;
- c. require that relevant prisoner health information is documented and communicated between consecutive sifts, such as whether a prisoner is taking medication or has a medical condition; and
- d. require that prisoner health information travel with prisoners who are transferred to another facility.”

STATUS: Due to the association between Paragraphs 31 and 32, the status of these paragraphs is reported jointly under Paragraph 32.

PARAGRAPH C-32**MEDICAL AND MENTAL HEALTH CARE POLICIES**

The Consent Judgment states: “ The DPD shall develop a prescription medication policy in consultation with qualified medical and mental health professionals that ensures prisoners are provided prescription medication as directed. The policy shall be approved in writing by qualified medical and mental health professionals and shall be submitted for review and approval of the DOJ within three months of the effective date of this Agreement. The DPD shall implement the policy within three months of the DOJ’s review and approval. Thereafter, the policy shall be reviewed and approved in writing by qualified medical and mental health professionals at least annually and prior to any revisions to the program. At a minimum, the policy shall:

- a. indicate when the DPD shall convey prisoners taking prescription medication to the DRH or other treating hospital for evaluation;
- b. require the DPD distribute to prisoners only medications that have been prescribed at the DRH or other treating hospitals;
- c. require that the DPD distribute medications as prescribed and not rely on inmates to identify their need for medication;

- d. require that all prisoner medications be stored in a secure location near the holding cells and travel with prisoners that are transferred;
- e. require the DPD to record relevant information regarding the administration of prescription medication on an auditable form;
- f. require that injected medications are administered as prescribed and in a safe and hygienic manner; and
- g. require that unused medications prescribed at the DRH or other treating hospitals are provided to prisoners upon their release.”

STATUS: The requirements of this paragraph are incorporated in the Detainee Health Care Policy and the Detainee Transportation Policy, Directive 305.7. Currently, the Prescription Medication Log is under revision. Guidelines for proper completion of the form are also being developed.

PARAGRAPH C-33

MEDICAL AND MENTAL HEALTH CARE POLICIES

The Consent Judgment states: “The DPD shall provide appropriate clothing, such as paper gowns or suicide smocks, to all prisoners placed under suicide precautions.”

STATUS: The DPD continues to provide appropriate clothing to all detainees placed under suicide watch. Clothing is distributed to specially designated precincts, which are equipped to accommodate suicidal prisoners.

The provision of this paragraph is incorporated in the Detainee Intake/Assessment Policy, Directive 305.1.

On October 21, 2004, Teletypes 04-06205-206 were issued announcing the Mental Illness Training, November 9, 16, 30, and December 14, 2004. This training is designed for precinct lieutenants and sergeants with desk duties, Prisoner Detention Officers, Detention Facility Officers, and Alternate Prisoner Detention Officers. In addition, on October 30, 2004, Teletype 04-06456 was issued regarding the proper issuance of appropriate suicide smock/paper gowns to detainees.

PARAGRAPH C-34

MEDICAL AND MENTAL HEALTH CARE POLICIES

The Consent Judgment states: “The DPD shall remove or make inaccessible all suicide hazards in holding cells including exposed pipes, radiators and overhead bars.”

STATUS: As of this writing, all exposed pipes have been covered. No suicide hazards exist at the Second, Sixth, Eleventh, and Twelfth Precincts. Although the remaining precincts have some hazards, there are designated cells for high risk detainees within these precincts which are free of suicide hazards. It has

been determined that mitigation of suicide hazards in current holding facilities will involve major capital expenditures.

PARAGRAPH C-49

FOOD SERVICE POLICIES

The Consent Judgment states: "The DPD shall ensure food is stored and served in a sanitary manner and in compliance with state and local health codes."

STATUS: Due to the association between Paragraphs 49 and 50, the status of these paragraphs is reported jointly under Paragraph 50.

PARAGRAPH C-50

FOOD SERVICE POLICIES

The Consent Judgment states: "The DPD shall develop and implement a food service policy that shall be approved in writing by a qualified sanitarian. At a minimum, the food service policy shall:

- a. require that the meal plan is initially approved in writing by a qualified dietician and, thereafter, is reviewed and approved in writing by a qualified dietitian at least every year, or prior to any revisions to the program;
- b. require that all food is stored and handled in a sanitary manner;
- c. ensure that all prisoners are provided with an alternative meal if they are unable to eat the standard meal for religious or dietary reasons; and
- d. ensure that food service is provided to all prisoners who are held over six hours."

STATUS: Teletype 04-03424, issued June 9, 2004, announced the availability of anti-bacterial hand wipes for the detainees in holding cell facilities. Per the teletype, these hand wipes are to be distributed to each detainee along with their meal. Protocols for implementation of the "Detainee Feeding Program" have been developed in consultation with the Detroit Department of Health and Wellness Promotion. All precincts with holding cells have been equipped with refrigerators, thermometers and other required resources to meet the requirements of the State and local health codes. Currently, food is stored in a sanitary manner in a precinct refrigerator, at a set temperature, and food pre-wrapped and unexposed.

This paragraph is incorporated in the Holding Cells Areas Policy. The Food Service Policy (approved by a qualified sanitarian and dietician) is also reflected in the "Standard Operating Procedure for the Detainee Meal Program," prepared for all DPD detention facilities. On June 16, 2004, the directive was mailed to the DOJ and Monitor. On August 25, 2004, the DPD received the Monitor's Interim Review of Holding Cell Areas Policy. On August 19, 2004, the

DPD received technical assistance from the DOJ and were revised. They were re-submitted to the DOJ and the Monitor on October 11, 2004.

On October 26, 2004 the DPD received technical assistance from the Monitor on the Detainee Food/Hygiene Log. Revisions are currently being made based on the technical assistance. In addition, guidelines for proper completion of the form are also being developed.

PARAGRAPH C-51

PERSONAL HYGIENE POLICIES

The Consent Judgment states: "The DPD shall ensure that personal hygiene items are made available as needed. Available hygiene items should include: soap, toothbrushes, toothpaste, toilet paper, a comb, deodorant, and feminine hygiene products. The DPD shall implement this provision within one month of the effective date of this Agreement."

STATUS: The requirements of this paragraph are incorporated in the Holding Cell Areas Policy. The instructions for requesting personal hygiene items are posted on placards in all Precincts holding cell areas in English, Spanish and Arabic.

PARAGRAPH C-60

GENERAL POLICIES

The Consent Judgment states: "In developing, revising and augmenting the policies discussed in this Agreement, the DPD shall ensure that all terms are clearly defined."

STATUS: All terms as defined by this Agreement have been incorporated in the developed/revised policies, with the exception of the probable cause definition.

PARAGRAPH C-61

GENERAL POLICIES

The Consent Judgment states: "The DPD shall continue to make available proposed policy revisions to the community, for review comment and education. Such policy revisions shall also be published on the DPD's website to allow comments to be provided directly to the DPD."

STATUS: The Department continues to make policy revisions available to the public for review and comment on the website. Copies are supplied at BOPC meetings, community meetings, and other public venues.

PARAGRAPH C-65

MANAGEMENT AND SUPERVISION

The Consent Judgment states: "The DPD shall conduct regularly scheduled semiannual audits, covering all DPD units and commands that investigate uses of force, injuries to prisoners and allegations of misconduct in holding cells, including:

- a. reviewing a statistically valid sample of command, IAD, and Homicide Section investigations;
- b. evaluating whether the actions of the officer and the subject were captured correctly in the investigative report;
- c. evaluating the preservation and analysis of the evidence;
- d. examining whether there is consistency in use of force and injured prisoner investigations throughout the DPD
- e. evaluating the appropriateness of the investigator's conclusions; and
- f. issuing a written report regarding the findings of the audit."

STATUS: This audit is due to the Monitor by January 31, 2005. The HCCC Detainee Safety Audit Team is conducting the audit. The HCCC Detainee/Audit team plans to submit the results of this audit to the Deputy Chief of CRIB by January 11, 2005.

PARAGRAPH C-66

MANAGEMENT AND SUPERVISION

The Consent Judgment states: "The DPD shall create a Holding cell compliance committee that is responsible for assuring compliance with requirements of this Agreement. The Holding cell compliance committee shall conduct regularly scheduled semiannual audits in all buildings containing holding cells to evaluate compliance with the fire detection, suppression and evacuation program, including:

- a. testing a statistically valid sample of smoke detectors and sprinklers;
- b. testing the back-up power systems;
- c. reviewing a statistically valid sample of fire equipment testing and maintenance records; and
- d. issuing a written report regarding the findings of the audit."

STATUS: The Fire Safety Audit for the quarter ended May 31, 2004, has been conducted, and is in the internal review process.

PARAGRAPH C-67

MANAGEMENT AND SUPERVISION

The Consent Judgment states: "The Holding cell compliance committee shall conduct regularly scheduled semiannual audits in all buildings containing holding cells to evaluate emergency preparedness, including:

- a. reviewing a statistically valid sampling of key and fire equipment maintenance and inventory records;
- b. interviewing selected detention officers about their participation in fire drills and on their responsibilities under the emergency preparedness program and testing their ability to identify keys necessary to unlock all holding cell doors; and
- c. issuing a written report regarding the findings of the audit.”

STATUS: This Emergency Preparedness Audit due for the quarter ended May 31, 2004 is currently under review by the Monitor. The HCCC is currently preparing for an audit for the semi-annual period ending January 17, 2005. The Independent Monitor has indicated that until the DOJ approves DPD Emergency Preparedness plans, this audit will not meet the mandates of compliance.

PARAGRAPH C-68

MANAGEMENT AND SUPERVISION

The Consent Judgment states: “The Holding cell compliance committee shall conduct regularly scheduled semiannual audits in all buildings containing holding cells to evaluate the medical/mental health programs and policies, including;

- a. reviewing a statistically valid sample of hospital referral forms in comparison to prisoner intake forms to evaluate the accuracy of the intake screening and whether appropriate action was taken;
- b. observing intake screening interviews to assess thoroughness;
- c. reviewing a statistically valid sample of the prescription medication log to ensure that medications were administered as prescribed and that their distribution was accurately recorded; and
- d. issuing a written report regarding the findings of the audit.”

STATUS: The Medical Mental Health Audit, due for the quarter ended May 31, 2004, is currently in the internal report approval process. The HCCC is currently performing an audit for the semi-annual period ending January 17, 2005.

PARAGRAPH C-69

MANAGEMENT AND SUPERVISION

The Consent Judgment states: “The Holding cell compliance committee shall conduct regularly scheduled semiannual audits in all buildings containing holding cells to evaluate the detainee safety programs and policies, including:

- a. reviewing a statistically valid sample of security screening records, including written supervisory approvals, to ensure that prisoners are being properly screened and housed;

- b. reviewing a statistically valid sample of the cell check logs to ensure that checks are being accurately and regularly performed and that cell checks are receiving supervisory review and written approval;
- c. issuing a written report regarding the findings of the audit.”

STATUS: The Detainee Safety Audit, due for the quarter ended May 31, 2004, is currently in the internal report approval process. The next Detainee Safety Audit will be completed in the semi-annual period ending July 17, 2005.

PARAGRAPH C-70

MANAGEMENT AND SUPERVISION

The Consent Judgment states: “The Holding cell compliance committee shall conduct regularly scheduled semiannual audits in all buildings containing holding cells to evaluate the environmental health and safety programs, including;

- a. inspecting holding cells and surrounding areas to ensure that they are clean and clear of debris and that the lighting, sinks and toilets are operable;
- b. reviewing a statistically valid sample of cleaning and maintenance logs to ensure they are properly maintained and reflect the scheduled performance of the requisite cleaning and maintenance tasks;
- c. reviewing the systems in place for assuring that all prisoners have reasonable access to potable water and toilets 24 hours a day;
- d. observing whether holding cells are free of any potential suicide hazards; and
- e. issuing a written report regarding the findings of the audit.”

STATUS: The Environmental Health and Safety Audit, due for the quarter ended May 31, 2004, is currently in the internal report approval process. The next Environmental Health and Safety audit will be completed in the semi-annual period ending July 17, 2005.

PARAGRAPH C-71

MANAGEMENT AND SUPERVISION

The Consent Judgment states: “The Holding cell compliance committee shall conduct regularly scheduled semiannual audits of all buildings containing holding cells to evaluate the food service program, including;

- a. reviewing a statistically valid sample of food service documentation to evaluate whether prisoners who are held over six hours receive regular and adequate meals;
- b. assuring that food is handled in a sanitary manner; and issuing a written report regarding the findings of the audit.”

STATUS: This audit, due for the quarter ended May 31, 2004, is currently under review by the Monitor. The HCCC is currently preparing for an audit for the semi-annual period ending January 31, 2005.

PARAGRAPH C-72

MANAGEMENT AND SUPERVISION

The Consent Judgment states: "The DPD shall issue all audit reports to the Chief of Police and also provide copies to each precinct or specialized unit commander. The commander of each precinct and specialized unit shall review all audit reports regarding employees under their command and, if appropriate, shall take non-disciplinary corrective action or disciplinary action.

STATUS: The following three audits were reviewed by the Chief of Police and Independent Monitor: Custodial Detention Practices, Emergency Preparedness, and Food Service. These audit reports have also been distributed to the DPD Commanders for review.

PARAGRAPH C-94

COMPLIANCE REVIEWS

The Consent Judgment states: "Subject to limitations set for the in this paragraph, the DPD shall reopen for further investigation any investigation the Monitor determines to be incomplete. The Monitor shall provide written instructions for completing and investigation determined to be incomplete. The Monitor shall exercise this authority so that any directive to reopen an investigation is given within a reasonable period following the investigation's conclusion. The Monitor may not exercise this authority concerning any investigation the disposition of which has been officially communicated to the officer who is the subject of the investigation."

STATUS: The DPD has made the contents of any and all investigation files available to the Independent Monitor. The Monitor has not directed that any investigations be reopened as of the preparation of this report.

III.

USE OF FORCE STATUS REPORT

PARAGRAPH U-34

USE OF FORCE AND PRISONER INJURY

The Consent Judgment states: "The DPD shall revise its reporting policies to require officers to document on a single auditable form any prisoner injury, use of force, allegation of use of force, and instance in which an officer draws a firearm and acquires a target."

STATUS: Due to the association between Paragraphs 34, 35, and 36, the status of these paragraphs is reported jointly under Paragraph 36.

PARAGRAPH U-35

USE OF FORCE AND PRISONER INJURY

The Consent Judgment states: "The DPD shall revise its policies regarding use of force and prisoner injury notifications to require:

- a. officers to notify their supervisors following any use of force or prisoner injury;
- b. that upon such notice, a supervisor shall respond to the scene of all uses of force that involve a firearm discharge, a visible injury or a complaint of injury. A supervisor shall respond to all other uses of force on a priority basis. Upon arrival at the scene, the supervisor shall interview the subject(s), examine the subject(s) for injury, and ensure that the subject(s) receive needed medical attention;
- c. the supervisor responding to the scene to notify IAD of all serious uses of force, uses of force that result in visible injury, uses of force that a reasonable officer should have known were likely to result in injury, uses of force where there is evidence of possible criminal misconduct by an officer or prisoner injury; and
- d. IAD to respond to the scene of, and investigate, all incidents where there is evidence of possible criminal misconduct by an officer, a prisoner dies, suffers serious bodily injury or requires hospital admission, or involves a serious use of force, and to permit IAD to delegate all other use of force or prisoner injury investigations to the supervisor for a command investigation."

STATUS: Due to the association between Paragraphs 34, 35, and 36, the status of these paragraphs is reported jointly under Paragraph 36.

PARAGRAPH U-36**USE OF FORCE AND PRISONER INJURY**

The Consent Judgment states: "The DPD shall revise its use of force and prisoner injury investigation policies to require:

- a. command use of force preliminary investigations to be completed within 10 days of the incident. These investigations shall include a synopsis of the incident, photographs of any injuries, witness statements, a canvas of the area, a profile of the officer's prior uses of force and allegations of misconduct, and a first-line supervisory evaluation. The final command use of force investigation shall be completed within 30 days of the incident."
- b. IAD investigation to be completed within 60 days of the incident; and
- c. Copies of all reports and command investigations to be sent to IAD within 7 days of completion of the investigation."

STATUS: The provisions of Paragraphs 34 through 36 are incorporated in the Use of Force Reporting/Investigating Training Directive # 04-7. On July 13, 2004, the DPD received technical assistance from the DOJ on the directive, which was revised based on the recommendations. Additionally, the specific documentation and investigation requirements are incorporated in the Use of Force Policy, Directive 304.2.

On October 19, 2004, the DPD received technical assistance from the Monitor on the Use of Force Auditable Form UF-002, and subsequent revisions are being made. Guidelines providing instructions for the completion of the auditable form are being developed.

PARAGRAPH U-37 CRITICAL FIREARMS DISCHARGE & IN-CUSTODY DEATH

The Consent Judgment states: "The DPD has created a Shooting Team, composed of officers from the Homicide Section and IAD. The Shooting Team shall respond to the scene and investigate all critical firearms discharges and in-custody deaths."

STATUS: Due to the association between Paragraphs 37 and 38, the status of these paragraphs is reported jointly under Paragraph 38.

PARAGRAPH U-38 CRITICAL FIREARMS DISCHARGE & IN-CUSTODY DEATH

The Consent Judgment states: "The DPD shall develop a protocol for conducting investigations of critical firearm discharges that, in addition to the requirements of paragraphs 27-36, requires:

- a. the investigation to account for all shots fired, all shell casings, and the locations of all officers at the time the officer discharged the firearm;

- b. the investigator to conduct and preserve in the investigative file all appropriate ballistic or crime scene analyses, including gunshot residue or bullet trajectory tests; and
- c. the investigation to be completed within 30 days of the incident. If a Garrity statement is necessary, then that portion of the investigation may be deferred until 30 days from the declination or conclusion of the criminal prosecution.”

STATUS: The requirements of Paragraphs 37 and 38 are incorporated in the Force Review Team’s Standard Operating Procedures. These procedures were forwarded to the DOJ and the Monitor on October 11, 2004.

PARAGRAPH U-39 CRITICAL FIREARMS DISCHARGE & IN-CUSTODY DEATH

The Consent Judgment states: “The DPD shall require a command level force review team to evaluate all critical firearm discharges and in-custody deaths. The Deputy Chief who directly supervises IAD shall chair the team. The DPD shall establish criteria for selecting the other members of the team.”

STATUS: Due to the association between Paragraphs 39, 40, and 41, the status of these paragraphs is reported jointly under Paragraph 41.

PARAGRAPH U-40 CRITICAL FIREARMS DISCHARGE & IN-CUSTODY DEATH

The Consent Judgment states: “The DPD policy that defines the command level force review team’s role shall require the team to:

- a. complete its review of critical firearm discharges that result in injury and in-custody deaths within 90 days of the resolution of any criminal review and/or proceedings and all other critical firearm discharges within 60 days and require the Chief of Police to complete his or her review of the team’s report within 14 days;
- b. comply with the revised review of investigations policies and procedures;
- c. interview the principal investigators; and
- d. prepare a report to the Chief of Police in compliance with the revised investigatory report and evaluation protocol.

STATUS: Due to the association between Paragraphs 39, 40, and 41, the status of these paragraphs is reported jointly under Paragraph 41.

PARAGRAPH U-41 CRITICAL FIREARMS DISCHARGE & IN-CUSTODY DEATH

The Consent Judgment states: “The Chair of the command level force review team shall annually review critical firearm discharges and in-custody deaths in aggregate to detect patterns and/or problems and report his or her

findings and recommendations, including additional investigative protocols and standards for all critical firearm discharge and in-custody death investigations, to the Chief of Police.”

STATUS: The requirements of Paragraphs 39, 40 and 41 are incorporated in the Board of Review Policy, Directive 304.4. The directive was posted on the website on October 26, 2004, for review and comment from the public. The directive is under review by the BOPC and awaiting formal presentation to the public.

PARAGRAPH U-42 ARREST AND DETENTION POLICIES AND PRACTICES

The Consent Judgment states: “the DPD shall revise its arrests policies to define arrest and probable cause as those terms are defined in this Agreement and prohibit the arrest of an individual with less than probable cause.”

STATUS: The Arrest Policy, Directive 202.1, was revised and submitted to the DOJ and the Monitor on April 28, 2004, for their review and comment. On October 1, 2004, the DPD received technical assistance from the Monitor, and the directive was revised based upon that technical assistance.

The DPD has challenged the definition of Probable Cause as defined in this Agreement. This issue will be resolved through court litigation.

PARAGRAPH U-43 ARREST AND DETENTION POLICIES AND PRACTICES

The Consent Judgment states: “The DPD shall review all arrests for probable cause at the time the arrestee is presented at the precinct or specialized unit. This review shall be memorialized in writing within 12 hours of the arrest. For any arrest unsupported by probable cause or in which an arraignment warrant was not sought, the DPD shall document the circumstances of the arrest and/or the reasons the arraignment warrant was not sought on an auditable form within 12 hours of the event.”

STATUS: The Arrest Policy, Directive 202.1, was revised and submitted to the DOJ and the Monitor for their review and comment on April 28, 2004. On October 1, 2004, the DPD received technical assistance from the Monitor, and the directive was revised based upon that technical assistance.

On October 19, 2004, the DPD received technical assistance from the Monitor on the related Auditable Form UF-001, “Review of Arrest.” Revisions are currently being made on the auditable form based on the technical assistance. Additionally, guidelines for the proper completion of the form are currently under development.

PARAGRAPH U-44

INVESTIGATORY STOP POLICIES

The Consent Judgment states: "The DPD shall revise its investigatory stop and frisk policies to define investigatory stop and reasonable suspicion as those terms are defined in this Agreement. The policy shall specify that a frisk is authorized only when the officer has reasonable suspicion to fear for his or her safety and that the scope of the frisk must be narrowly tailored to those specific reasons."

STATUS: Due to the association between Paragraphs 44 and 45, the status of these paragraphs is reported jointly under Paragraph 45.

PARAGRAPH U-45

INVESTIGATORY STOP POLICIES

The Consent Judgment states: "The DPD shall require written documentation of all investigatory stops and frisks by the end of the shift in which the police action occurred. The DPD shall review all investigatory stops and frisks and document on an auditable form those unsupported by reasonable suspicion within 24 hours of receiving the officer's report."

STATUS: The Search and Seizure Policy, Directive 202.2, which includes the provisions of Paragraphs 44 and 45, was revised and submitted to the DOJ and the Monitor on July 22, 2004. On August 16, 2004, the directive was mailed to the DOJ and Monitor for their review and comment. Technical assistance was received from the Monitor subsequent to the review, and the directive was revised.

On October 19, 2004, the DPD received technical assistance from the Monitor on related Auditable Form UF-003, "Stop and Frisk". The Monitor had additional comments on the Search and Seizure Policy, and revisions were made and e-mailed to the DOJ and the Monitor on October 20, 2004.

PARAGRAPH U-46

WITNESS IDENTIFICATION AND QUESTIONING

The Consent Judgment states: "The DPD shall revise its witness identification and questioning policies to comply with the revised arrest and investigatory stop policies. The DPD shall prohibit the seizure of an individual without reasonable suspicion, probable cause or consent of the individual and require that the scope and duration of any seizure be narrowly tailored to the reasons supporting the police action. The DPD shall prohibit the conveyance of any individual to another location without reasonable suspicion, probable cause or consent of the individual."

STATUS: Due to the association between Paragraphs 46, 47, and 48, the status of these paragraphs is reported jointly under Paragraph 48.

PARAGRAPH U-47

WITNESS IDENTIFICATION AND QUESTIONING

The Consent Judgment states: "The DPD shall develop the revised witness identification and questioning policies within three months of the effective date of this Agreement. The revised policies shall be submitted for review and approval of the DOJ. The DPD shall implement the revised witness identification and questioning policies within three months of the review and approval of the DOJ."

STATUS: Due to the association between Paragraphs 46, 47, and 48, the status of these paragraphs is reported jointly under Paragraph 48.

PARAGRAPH U-48

WITNESS IDENTIFICATION AND QUESTIONING

The Consent Judgment states: "The DPD shall document the content and circumstances of all interviews, interrogations and conveyances during the shift in which the police action occurred. The DPD shall review in writing all interviews, interrogations and conveyances and document on an auditable form those in violation of DPD policy within 12hours of the interview, interrogation or conveyance."

STATUS: The provisions of Paragraphs 46, 47, and 48, relative to witness identification and questioning were incorporated in the Custodial Questioning Policy, Directive 203.9, and the Crime Scene Investigation Policy, Directive 203.1.

The Crime Scene Investigation and the Custodial Questioning Policies was submitted to the DOJ for their review and approval and the Monitor for their review and comment on August 11, 2004. On August 16, 2004, the DPD received technical assistance from the DOJ. Revisions were completed based on the technical assistance, and the directive was resubmitted to the DOJ on October 7, 2004.

On August 16, 2004, the DPD received technical assistance from the DOJ on the Custodial Questioning Policy. Revisions were completed based on the technical assistance, and the directive was submitted to the DOJ for their review and approval on October 26, 2004.

PARAGRAPH U-58**DOCUMENTATION AND CUSTODIAL DETENTION**

The Consent Judgment states: "the DPD shall revise its arrest and detention documentation to require, for all arrests, a record or file to contain accurate and auditable documentation of:

- a. the individual's personal information;
- b. the crime(s) charged;
- c. the time and date of arrest and release;
- d. the time and date the arraignment warrant was submitted;
- e. the name and badge number of the officer who submitted the arraignment warrant;
- f. the time and date of arraignment;
- g. the time and date each warrant was lodged and cleared, if applicable; and
- h. the individual's custodial status, e.g., new arrest, material witness or extradition."

STATUS: Utilizing the CRISNET Records Management System, the DPD is developing a module that will capture all of the required arrest and detention documentation. A related training directive is under development.

Teletypes 04-06054 and 04-06057, issued October 14, 2004, mandates that exact dates and times, and other pertinent information is accurately recorded.

PARAGRAPH U-59**COMMAND NOTIFICATION**

The Consent Judgment states: "The DPD shall require the commander of the precinct and, if applicable, of the specialized unit to review in writing all reported violations of DPD arrest, investigatory stop and frisk, witness identification and questioning policies and all reports of arrests in which an arraignment warrant was not sought. The commander's review shall be completed within 7 days of receiving the document reporting the event. The commander's review shall include an evaluation of the actions taken to correct the violation and whether any corrective or non-disciplinary action was taken.

STATUS: The Commanders' Review Form documenting the review of reported violations by the commanders of precincts and specializes units is currently in use. The provisions of the paragraph are incorporated in the Arrest, Search and Seizure, Custodial Questioning and the Crime Scene Investigation Policies. The commanders have been trained on the purpose and use of the Commanders' Review Form and are currently conducting reviews accordingly.

PARAGRAPH U-61**EXTERNAL COMPLAINTS**

The Consent Judgment states: "The DPD and city shall revise their external complaint policy to clearly delineate the roles and responsibilities of OCI and the DPD regarding the receipt, investigation and review of external complaints. At a minimum, the plan shall specify each agency's responsibility for receiving, recording, investigating and tracking complaints; each agency's responsibility for conducting community outreach and education regarding complaints; how, when and in what fashion the agencies shall exchange information, including complaint referrals and information about sustained complaints."

STATUS: Due to the association between Paragraphs 61 through 69, the status of these paragraphs is reported jointly under Paragraph 69.

PARAGRAPH U-62**EXTERNAL COMPLAINTS**

The Consent Judgment states: "The DPD and the City shall develop and implement an informational campaign regarding external complaints, including:

- a. informing persons that they may file complaints regarding the performance of any DPD employees;
- b. distributing complaint forms, fact sheets and informational posters at City Hall, OCI, all DPD precincts, libraries, on the internet and, upon request, to community groups and community centers;
- c. broadcasting public service announcements that describe the complaint process; and
- d. posting permanently a placard describing the complaint process, with relevant phone numbers, in the lobby of each DPD precinct.

STATUS: Due to the association between Paragraphs 61 through 69, the status of these paragraphs is reported jointly under Paragraph 69.

PARAGRAPH U-63**EXTERNAL COMPLAINTS**

The Consent Judgment states: "The DPD shall require all officers to carry informational brochures and contact forms in their vehicles at all times while on-duty. The DPD shall develop a contact form within 60 days of this Agreement. The contact form shall be submitted for review and approval of the DOJ. The DPD shall require all officers to inform an individual of his or her right to make a complaint, if an individual objects to an officer's conduct. The DPD shall prohibit officers from discouraging any person from making a complaint or refusing to take a complaint."

STATUS: Due to the association between Paragraphs 61 through 69, the status of these paragraphs is reported jointly under Paragraph 69.

PARAGRAPH U-64

INTAKE AND TRACKING

The Consent Judgment states: “The DPD and the City shall revise their policies regarding the intake and tracking of external complaints to define complaint and misconduct as those terms are defined in this Agreement and require all officers and OCI employees to accept and document all complaints filed in writing or verbally, in person or by mail, telephone (or TDD), facsimile or electronic mail.”

STATUS: Due to the association between Paragraphs 61 through 69, the status of these paragraphs is reported jointly under Paragraph 69.

PARAGRAPH U-65

INTAKE AND TRACKING

The Consent Judgment states: “the DPD and the City shall permit the intake officer or employee to include a factual account and/or description of a complainant’s demeanor and physical condition but not an opinion regarding the complainant’s mental competency or veracity.”

STATUS: Due to the association between Paragraphs 61 through 69, the status of these paragraphs is reported jointly under Paragraph 69.

PARAGRAPH U-66

INTAKE AND TRACKING

The Consent Judgment states: “the DPD and the City shall assign all complaints a unique identifier, which shall be provided to the complainant, and a description of the basis for the complaint (e.g., excessive force, discourtesy or improper search).

STATUS: Due to the association between Paragraphs 61 through 69, the status of these paragraphs is reported jointly under Paragraph 69.

PARAGRAPH U-67

EXTERNAL COMPLAINT INVESTIGATION

The Consent Judgment states: “the DPD and the City shall revise its policies regarding external complaint investigations to:

- a. provide that all complaints shall be referred for investigation and resolution by OCI, or, if the complaint alleges potentially criminal conduct by an officer, by IAD;

- b. permit the informal resolution of complaints alleging only inadequate service or the complainant's innocence of a charge and require the investigation and formal resolution of all other complaints;
- c. refer all complaints to the appropriate agency within five business days of their receipt;
- d. require that the complainant shall be periodically kept informed regarding the status of the investigation;
- e. develop written criteria for IAD and OCI investigator applicants including the applicant's complaint and disciplinary history and investigative experience;
- f. implement mandatory pre-serviced and in-service training for all IAD and OCI investigators, including intake, investigations, interviews and resolutions of external complaints;
- g. require IAD and OCI to complete all investigations within 60 days of receiving the complaint; and
- h. require that, upon completion of the investigation, the complainant shall be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken."

STATUS: Due to the association between Paragraphs 61 through 69, the status of these paragraphs is reported jointly under Paragraph 69.

PARAGRAPH U-68

EXTERNAL COMPLAINT INVESTIGATION

The Consent Judgment states: "the DPD and the City shall review and evaluate the external complaint review process to require:

- a. the Chief investigator or his or her designee to complete review of OCI investigations within 7 days of completion of the supervisor's review;
- b. the BPC to complete review of OCI investigations within 45 days of completion of the Chief Investigator's review; and
- c. the Chief of Police or his or her designee to complete his or her review of external complaints within 7 days of completion of the BPC's review.

STATUS: Due to the association between Paragraphs 61 through 69, the status of these paragraphs is reported jointly under Paragraph 69.

PARAGRAPH U-69

EXTERNAL COMPLAINT INVESTIGATION

The Consent Judgment states: "in addition to the investigatory report and evaluation requirements, each allegation in an administrative external complaint investigation shall be resolved by making one of the following dispositions:

- a. "Unfounded," where the investigation revealed no facts to support that the incident complained of actually occurred;

- b. "Sustained," where a preponderance of the evidence shows that the alleged conduct did occur and the actions of the officer violated DPD policies, procedures or training;
- c. "Not Sustained," where there are insufficient facts to decide whether the alleged misconduct occurred; and
- d. "Exonerated," where a preponderance of the evidence shows that the alleged conduct did occur but did not violate DPD policies, procedures or training.

STATUS: The requirements of Paragraphs U-61 through U-69 are incorporated in the Citizen Complaints Policy, Directive 102.2. The directive was revised and submitted to the DOJ and the Monitor on September 9, 2004. In a conference call with the Monitor on November 16, 2004, several issues were discussed regarding minor wording changes in the directive. Modifications to this directive have been made consistent with the observations and comments of the Monitor and the policy was electronically submitted to the DOJ and the Monitor on November 30, 2004.

The policy clearly delineates the roles and responsibilities of the OCI, defines complaint and misconduct as defined in the Agreement, requires the member taking the complaint include a factual account and/or description of the complainant's demeanor, and provides specific guidelines for the investigative process.

The DPD's Informational Brochure/Contact Form was approved by the DOJ on November 9, 2004. This form was forwarded to the BOPC for production. Once produced, the brochure and contact forms will be made available to the members for compliance with Paragraph 63.

Each citizen complaint is signed a unique identifier on the revised Citizen Complaint Form.

PARAGRAPH U-70

GENERAL POLICIES

The Consent Judgment states: "In developing and revising the policies discussed in this Agreement, the DPD shall ensure that all terms are clearly defined."

STATUS: All terms as defined by this Agreement have been incorporated in the developed/revised policies, with the exception of the probable cause definition.

PARAGRAPH U-71

GENERAL POLICIES

The Consent Judgment states: "The DPD shall continue to make available proposed policy revisions to the community, for their review, comment and

education. Such policy revisions shall also be published on the DPD's website to allow comments to be provided directly to the DPD."

STATUS: The Department continues to make policy revisions available to the public for review and comment on the website. Copies are supplied at BOPC meetings, community meetings, and other public venues.

PARAGRAPH U-78

MANAGEMENT & SUPERVISION

The Consent Judgment states: "The DPD shall devise a comprehensive risk management plan, including:

- a. a risk management database (discussed in paragraphs 79-90);
- b. a performance evaluation system (discussed in paragraph 91);
- c. an auditing protocol (discussed in paragraphs 92-99);
- d. regular and periodic review of all DPD policies; and
- e. regular meetings of DPD management to share information and evaluate patterns of conduct by DPD that potentially increase the DPD's liability."

STATUS: Due to the association between Paragraphs 79, 80, 81, 82, 83, 86, 87, and 88, the status of these paragraphs is reported jointly under Paragraph 88.

PARAGRAPH U-79

RISK MANAGEMENT DATABASE

The Consent Judgment states: "The DPD shall enhance and expand its risk management system to include a new computerized relational database for maintaining, integrating and retrieving data necessary for supervision and management of the DPD. Priority shall be given to the DPD obtaining an established program and database. The DPD shall ensure that the risk management database it designs or acquires is adequate to evaluate the performance of DPD officers across all ranks, units and shifts; to manage risk and liability; and to promote civil rights and best police practices. The DPD shall regularly use this data for such review and monitoring."

STATUS: Due to the association between Paragraphs 79, 80, 81, 82, 83, 86, 87, and 88, the status of these paragraphs is reported jointly under Paragraph 88.

PARAGRAPH U-80

RISK MANAGEMENT DATABASE

The Consent Judgment states: "The new risk management database shall collect and record the following information:

- a. all use of force reports and use of force investigations;
- b. all canine deployments;
- c. all canine apprehensions;
- d. all canine bites;

- e. all canisters of chemical spray issued to officers;
- f. all injured prisoner reports and injured prisoner investigations;
- g. all instances in which force is used and a subject is charged with "resisting arrest," "assault on a police officer," "disorderly conduct" or "interfering with a city employee";
- h. all firearm discharge reports and firearm discharge investigations;
- i. all incidents in which an officer draws a firearm and acquires a target;
- j. all complaints and complaint investigations, entered at the time the complaint is filed and updated to record the finding;
- k. all preliminary investigations and investigations of alleged criminal conduct;
- l. all criminal proceedings initiated, as well as all civil or administrative claims filed with, and all civil lawsuits served upon, the City, or its officers, or agents, resulting from DPD operations or the actions of DPD personnel, entered at the time proceedings are initiated and updated to record disposition;
- m. all vehicle and foot pursuits and traffic collisions;
- n. all reports regarding arrests without probable cause or where the individual was discharged from custody without formal charges being sought;
- o. all reports regarding investigatory stops and/or frisks unsupported by reasonable suspicion;
- p. all reports regarding interviews, interrogations or conveyances in violation of DPD policy;
- q. the time between arrest and arraignment for all arrests;
- r. all reports regarding a violation of DPD prompt judicial review policy;
- s. all reports regarding a violation of DPD hold policy;
- t. all restrictions on phone calls or visitors imposed by officers;
- u. all instances in which the DPD is informed by a prosecuting authority that a declination to prosecute any crime was based, in whole or in part, upon concerns about the credibility of a DPD officer or that a motion to suppress evidence was granted on the grounds of a constitutional violation by a DPD officer;
- v. all disciplinary action taken against officers;
- w. all non-disciplinary corrective action required of officers, excluding administrative counseling records;
- x. all awards and commendations received by officers;
- y. the assignment, rank, and training history of officers; and
- z. firearms qualification information of officers."

STATUS: Due to the association between Paragraphs 79, 80, 81, 82, 83, 86, 87, and 88, the status of these paragraphs is reported jointly under Paragraph 88.

PARAGRAPH U-81

RISK MANAGEMENT DATABASE

The Consent Judgment states: “the new risk management database shall include, for each incident, appropriate identifying information for each involved officer (including name, pension number, badge number, shift and supervisor) and civilian (including race, ethnicity or national origin, sex, and age).”

STATUS: Due to the association between Paragraphs 79, 80, 81, 82, 83, 86, 87, and 88, the status of these paragraphs is reported jointly under Paragraph 88.

PARAGRAPH U-82

RISK MANAGEMENT DATABASE

The Consent Judgment states: “The DPD shall prepare, for the review and approval of the DOJ, a Data Input Plan for including appropriate fields and values of new and historical data into the risk management database and addressing data storage. The Data Input Plan shall:

- a. detail the specific fields of information to be included and the means for inputting such data (direct entry or otherwise);
- b. Specify the unit responsible for inputting data, the deadlines for inputting the data in a timely, accurate, and complete manner;
- c. Specify the historical time periods for which information is to be input and the deadlines for inputting the data in an accurate and timely fashion;
- d. Require that the data be maintained in a secure and confidential manner.”

STATUS: Due to the association between Paragraphs 79, 80, 81, 82, 83, 86, 87, and 88, the status of these paragraphs is reported jointly under Paragraph 88.

PARAGRAPH U-83

RISK MANAGEMENT DATABASE

The Consent Judgment states: “the DPD shall prepare, for the review and approval of the DOJ, a Report Protocol for the risk management database that details the types of routine reports the DPD shall generate and pattern identifications the DPD shall conduct. The Report Protocol shall:

- a. require the automated system to analyze the data according to the following criteria:
 - i. number of incidents for each data category by individual officer and all officers in a unit;
 - ii. average level of activity for each data category by individual officer and by all officers in a unit; and
 - iii. identification of patterns of activity for each data category by individual officer and by all officers in a unit;
- b. establish thresholds for the numbers and types of incidents requiring a review by an officer’s supervisor of whether the officer or group of officers is engaging in at-risk behavior (in addition to the regular reviews required by paragraph 84); and

- c. require the database to generate reports on a monthly basis describing the data and data analysis and identifying individual and unit patterns.”

STATUS: Due to the association between Paragraphs 79, 80, 81, 82, 83, 86, and 87, the status of these paragraphs is reported jointly under Paragraph 87.

PARAGRAPH U-86

RISK MANAGEMENT DATABASE

The Consent Judgment states: “Where information about a single incident is entered into the risk management database from more than one document (e.g., from a complaint form and a use of force report) the risk management database shall use a common control number or other equally effective means to link the information from different sources so that the user can cross-reference the information and perform analysis.”

STATUS: Due to the association between Paragraphs 79, 80, 81, 82, 83, 86, 87, and 88, the status of these paragraphs is reported jointly under Paragraph 88.

PARAGRAPH U-87

RISK MANAGEMENT DATABASE

The Consent Judgment states: “The City shall maintain all personally identifiable information about an officer included in the risk management database during the officer’s employment with the DPD and for at least five years after separation. Information necessary for aggregate statistical analysis shall be maintained indefinitely in the risk management database.”

STATUS: Due to the association between Paragraphs 79, 80, 81, 82, 83, 86, 87, and 88, the status of these paragraphs is reported jointly under Paragraph 88.

PARAGRAPH U-88

RISK MANAGEMENT DATABASE

The Consent Judgment states: “The new risk management database shall be developed and implemented according to the following schedule:

- a. Within 90 days of the effective date of this Agreement, the DPD shall submit the Data Input Plan to the DOJ for review and approval. The DPD shall share drafts of this document with the DOJ to allow the DOJ to become familiar with the document as it is developed and to provide informal comments. The DPD and the DOJ shall together seek to ensure that the Data Input Plan receives final approval within 30 days after it is presented for review and approval.
- b. By September 30, 2003 the DPD shall submit the Report Protocol and a Request for Proposals to the DOJ for review and approval. The DPD shall share drafts of these documents with the DOJ to allow the DOJ to become familiar with the documents as developed and to provide informal

- comments. The DPD and the DOJ shall together seek to ensure that the Report Protocol and the Request for Proposals receive final approval within 30 days after they are presented for review and approval.
- c. By October 31, 2003, the DPD shall issue the Request for Proposals.
 - d. By March 30, 2003, the DPD shall submit the Review Protocol to the DOJ for review and approval. The DPD shall share drafts of this document with the DOJ and the Monitor (a position described in Section X) to allow the DOJ and the Monitor to become familiar with the document as it develops and to provide informal comments on it. The DPD and the DOJ shall together seek to ensure that the protocol receives final approval within 30 days after it is presented for review and approval.
 - e. By May 31, 2004, the DPD shall select the contractor to create the risk management database.
 - f. By June 30, 2005, the City shall have ready for testing a beta version of the risk management database consisting of: I) server hardware and operating systems installed, configured and integrated with the City and the DPD's existing automated systems; ii) necessary data base software installed and configured; iii) data structures created, including interfaces to source data; and iv) the information system completed, including historic data. The DOJ and the Monitor shall have the opportunity to participate in testing the beta version using new and historical data and test data created specifically for purposes of checking the risk management database.
 - g. The risk management database shall be operational and fully implemented by December 31, 2005."

STATUS: Components of the Comprehensive Risk Management Plan, which include the Data Input Plan, Report Protocol, Review Protocol, Request for Proposals, and an Interim Risk Management Plan have been completed and submitted to the DOJ for review on October 25, 2004.

Paragraph U-92

Oversight

The Consent Judgment states: "the DPD shall develop a protocol for conducting annual audits to be used by each officer or supervisor charged with conducting audits. The protocol shall establish a regular and fixed schedule to ensure that such audits occur with sufficient frequency and cover all DPD units and commands. The annual period for conducting the audits required by paragraphs 93 to 97 for the first year shall end on August 31, 2004. The subsequent annual periods shall end on July 17, 2005, and every year thereafter."

STATUS: The Audit Protocol was developed and submitted to the Monitor on February 16, 2004. The Audit Protocol for 2004/2005 is currently being revised to reflect the Monitor's suggestions, which include the following concerns:

continuing education, report approval process and issuance of an annual report to the Chief of Police.

PARAGRAPH U-93**OVERSIGHT**

The Consent Judgment states: "The DPD shall issue a report to the Chief of Police on the result of each audit and examine whether there is consistency throughout the DPD. The DPD shall also provide the reports to each precinct or specialized unit commander. The commander of each precinct and specialized unit shall review all audit reports regarding employees under their command and, if appropriate, shall take non-disciplinary corrective action or disciplinary action."

STATUS: Three (3) audits (Emergency Preparedness, Custodial Detention, and Food Service) have been completed and forwarded to the DOJ. The completed audits have been forwarded to the precinct commanding officers for appropriate corrective and/or disciplinary action.

PARAGRAPH U-94**OVERSIGHT**

The Consent Judgment states: "The DPD shall conduct regularly scheduled annual audits, covering all DPD units and commands that investigate uses of force, prisoner injuries, and allegations of misconduct. The audits shall include reviewing a statistically valid sample of command, IAD, and Homicide Section investigations; evaluating whether the actions of the officer and the subject were captured correctly in the investigative report; and evaluating the preservation and analysis of the evidence and the appropriateness of the investigator's conclusions."

STATUS: The Detainee Injury Audit is scheduled to be conducted in February of 2005. The Use of Force Audit is scheduled to commence in June 2005.

PARAGRAPH U-95**OVERSIGHT**

The Consent Judgment states: "The DPD shall conduct regularly scheduled annual audits, covering all precincts and specialized units that review a statistically valid sample of findings of probable cause, stop and frisk reports and witness identification and questioning documentation. The audits shall include evaluating the scope, duration, content, and voluntariness, if appropriate, of the police interaction. The audits shall include a comparison of the number of arrests to requests for warrants and a comparison of the number of arrests for which warrants were sought to judicial findings of probable cause."

STATUS: The Arrest Practices Audit is currently in the internal report approval process. The Audit Team will perform the next Arrest Practices Audit in August of 2005.

The Investigatory Stop and Frisk Practices Audit is currently in the internal report approval process.

PARAGRAPH U-96

OVERSIGHT

The Consent Judgment states: "The DPD shall conduct regularly scheduled annual audits covering all precincts and specialized units that examine custodial detention practices. The audits shall include reviewing the length of detention between arrest and arraignment and the time to adjudicate holds"

STATUS: The Custodial Detention Practices audit is currently being reviewed by the Monitor.

PARAGRAPH U-97

OVERSIGHT

The Consent Judgment states: "The Chief Investigator of OCI shall designate an individual or entity to conduct regularly scheduled annual audits that examine external complaints and complaint investigations. The audit shall include reviewing a statistically valid sample of complaints that were resolved informally, reviewing a statistically valid sample of OCI investigations of complaints, and contacting the complainants to evaluate whether the actions and views of the complainant were captured correctly in the complaint report and/or investigation. The Chief Investigator shall review all audit reports regarding officers under OCI command and, if appropriate, shall take non-disciplinary corrective action or disciplinary action".

STATUS: The External Complaint Audit will commence in February 2005.

PARAGRAPH U-99

OVERSIGHT

The Consent Judgment states: "The DPD shall ensure regular meetings with local prosecutors to identify issues in officer, shift or unit performance."

STATUS: The DPD was found to be in compliance with this paragraph in the Third Quarter. Monitor Sheri Woods was present at the bi-monthly meeting, convened on October 7, 2004, at the Wayne County Prosecutor's Office. Compliance is being maintained by continuing the meetings bi-monthly as scheduled.

PARAGRAPH U-106**OVERSIGHT AND DEVELOPMENT**

The Consent Judgment states: "The DPD shall coordinate and review all use of force and arrest and detention training to ensure quality, consistency and compliance with applicable law and DPD policy. The DPD shall conduct regular subsequent reviews, at least semiannually, and produce a report of such reviews to the Monitor and the DOJ."

STATUS: The Training Division prepared a review of arrest and detention training for sworn members and recruits for the previous five (5) years, as well as a catalog of current training. This documented review was submitted to the Monitor on August 2, 2004, for review and comment.

PARAGRAPH U-107**OVERSIGHT AND DEVELOPMENT**

The Consent Judgment states: "The DPD, consistent with Michigan law and the Michigan Law Enforcement Officers Training Council standards, shall:

- a. ensure the quality of all use of force and arrest and detention training;
- b. develop use of force and arrest and detention training curricula;
- c. select and train DPD officer trainers;
- d. develop, implement, approve and oversee all training and curricula and procedures; and
- e. conduct regular needs assessments to ensure that training governing use of force and arrest and detention are responsive to the knowledge, skills and abilities of the officers being trained."

STATUS: Due to the association between Paragraphs 107 and 109, the status of these paragraphs is reported jointly under Paragraph 109.

PARAGRAPH U-108**OVERSIGHT AND DEVELOPMENT**

The Consent Judgment states: "The DPD shall create and maintain individual training records for all officers, documenting the date and topic of all pre-service and in-service training completed for all training conducted on or after the effective date of this Agreement."

STATUS: The MCOLES Information and Tracking Network (MITN) system is operational as of April 5, 2004. All current training information is being entered into the MITN system.

PARAGRAPH U-109**OVERSIGHT AND DEVELOPMENT**

The Consent Judgment states: "the DPD shall ensure that only mandated objectives and approved lesson plans are taught by instructors and that

instructors engage students in meaningful dialogue regarding particular scenarios, preferably taken from actual incidents involving DPD officers, with the goal of educating students regarding the legal and tactical issues raised by the scenarios.”

STATUS: On August 2, 2004, the DPD created a Curriculum Research and Development operation within the Training Division. The purpose of the operation is to revise all lesson plans utilizing best educational and in-service training practices.

PARAGRAPH U-110

OVERSIGHT AND DEVELOPMENT

The Consent Judgment states: “The DPD shall meet with the City Law Department on a quarterly basis concerning the conclusion of civil lawsuits alleging officer misconduct. Information gleaned from this process shall be distributed to DPD risk management and training staff.”

STATUS: The DPD’s Risk Management Bureau and the City’s Law Department hold quarterly meetings. If adverse behavioral patterns are discovered, the Risk Management Bureau provides this information to the appropriate Department entity, i.e., Training Division, Internal Affairs, Disciplinary Administration, member’s command, etc.

PARAGRAPH U-111

OVERSIGHT AND DEVELOPMENT

The Consent Judgment states: “The City and the DPD shall distribute and explain this Agreement to all DPD and all relevant City employees. The City and the DPD shall provide initial training on this Agreement to all City and DPD employees whose job responsibilities are affected by this Agreement within 120 days of each provision’s implementation. Thereafter, the DPD shall provide training on the policies contained in this Agreement during in-service training.”

STATUS: The DPD’s Civil Rights Integrity Bureau distributes copies and provides initial training on this Agreement. The total number of personnel trained on the consent judgments are as followings:

Sworn: 3,333 **Civilian:** 180 **Total:** 3,513

PARAGRAPH U-112

USE OF FORCE TRAINING

The Consent Judgment states: “The DPD shall provide all DPD recruits, officers, and supervisors with annual training on use of force. Such training shall include and address the following topics:

- a. the DPD's use of force continuum; proper use of force; decision making; and the DPD's use of force reporting requirements;
- b. the Fourth Amendment and other constitutional requirements, including recent legal developments;
- c. examples of scenarios faced by DPD officers and interactive exercises that illustrate proper use of force decision making, including the use of deadly force;
- d. the circumstances in which officers draw, display or point a firearm, emphasizing:
 - i. officers should not draw their firearm unless they reasonably believe there is a threat of serious bodily harm to the officer or another person;
 - ii. the danger of engaging or pursuing a subject with a firearm drawn; and
 - iii. that officers are generally not justified in drawing their firearm when pursuing a subject suspected of committing only a misdemeanor;
- e. the proper use of all intermediate force weapons;
- f. threat assessment, alternative and de-escalation techniques that allow officers to effect arrests without using force and instruction that disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, calling in specialized units or even letting a subject temporarily evade arrest may be the appropriate response to a situation, even when the use of force would be legally justified;
- g. interacting with people with mental illnesses, including instruction by mental health practitioners and an emphasis on de-escalation strategies;
- h. factors to consider in initiating or continuing a pursuit;
- i. the proper duration of a burst of chemical spray, the distance from which it should be applied, and emphasize that officers shall aim chemical spray only at the target's face and upper torso; and
- j. consideration of the safety of civilians in the vicinity before engaging in police action."

STATUS: Lesson plans are being modified to reflect the revised Use of Force directive. Upon completion of the modifications, the lesson plans will be submitted to the Monitor for their review and comment.

PARAGRAPH U-113

FIREARMS TRAINING

The Consent Judgment states: "The DPD shall develop a protocol regarding firearms training that:

- a. ensures that all officers and supervisors complete the bi-annual firearms training and qualification;
- b. incorporates professional night training, stress training (i.e. training in using a firearm after undergoing physical exertion) and proper use of force

- decision making training in the bi-annual in-service training program, with the goal of adequately preparing officers for real life situations;
- c. ensures that firearm instructors critically observe students and provide corrective instruction regarding deficient firearm techniques and failure to utilize safe gun handling procedures at all times; and
 - d. incorporates evaluation criteria to determine satisfactory completion of recruit and in-service firearms training, including:
 - i. maintains finger off trigger unless justified and ready to fire;
 - ii. maintains proper hold of firearm and proper stance; and
 - iii. uses proper use of force decision making.”

STATUS: The bi-annual Firearms Training Course (Combat and Tactical) began in July 2003 and includes the provisions on this paragraph.

PARAGRAPH U-114 ARREST AND POLICE-CITIZEN INTERACTION TRAINING

The Consent Judgment states: “The DPD shall provide all DPD recruits, officers and supervisors with annual training on arrests and other police-citizen interactions. Such training shall include and address the following topics:

- a. the DPD arrest, investigatory stop and frisk and witness identification and questioning policies;
- b. the Fourth Amendment and other constitutional requirements, including:
 - i. advising officers that the “possibility” that an individual committed a crime does not rise to the level of probable cause;
 - ii. advising officers that the duration and scope of the police-citizen interaction determines whether an arrest occurred, not the officer’s subjective, intent or believe that he or she affected an arrest; and
 - iii. advising officers that every detention is a seizure, every seizure requires reasonable suspicion or probable cause and there is no legally authorized seizure apart from a “Terry stop” and an arrest; and
- c. examples of scenarios faced by DPD officers and interactive exercises that illustrate proper police-community interactions, including scenarios which distinguish an investigatory stop from an arrest by the scope and duration of the police interaction; between probable cause, reasonable suspicion and mere speculation; and voluntary consent from mere acquiescence to police authority.”

STATUS: The lesson plans for the Mechanics of Arrest and Search Training Course was submitted to the Monitor on January 8, 2004. The training is scheduled to begin January 24, 2005.

PARAGRAPH U-139 ARREST AND POLICE-CITIZEN INTERACTION TRAINING

The Consent Judgment states: "Subject to the limitations set forth in this paragraph, the DPD shall reopen for further investigation any investigation the Monitor determines to be incomplete. The Monitor shall provide written instructions for completing any investigation determined to be incomplete. The Monitor shall exercise this authority so that any directive to reopen an investigation is given within a reasonable period following the investigation's conclusion. The Monitor may not exercise this authority concerning any investigation the disposition of which has been officially communicated to the officer who is the subject of the investigation."

STATUS: The contents of any and all investigation files have been made available to the Independent Monitor by the DPD. The Monitor has not directed that any investigations be reopened as of the preparation of this report.